



**MONITORING &
EVALUATION TOOLBOX**



ABOUT A4ID

A4ID is the leading, international, charity that believes the law can, and should, be used more effectively to eradicate global poverty. Through us, the world's top lawyers offer high-quality, free, legal support to organisations working to advance human dignity, equality and justice; toward the collective achievement of the Sustainable

Development Goals (SDGs). Operating at the nexus of the law and development, we ensure that lawyers and development practitioners have the skills and knowledge to use the law as an effective development tool. With access to over **50,000** lawyers and over **750** development partners, we have delivered over **£45 million** worth of legal advice, and carried out work impacting **123 countries**.

ACKNOWLEDGEMENTS

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Rule of Law Expertise (ROLE UK) is a programme of A4ID that is funded by the UK Government's Department for International Development and is a unique collaboration between the UK government, judiciary and lawyers to strengthen the Rule of Law in developing countries.

ROLE UK

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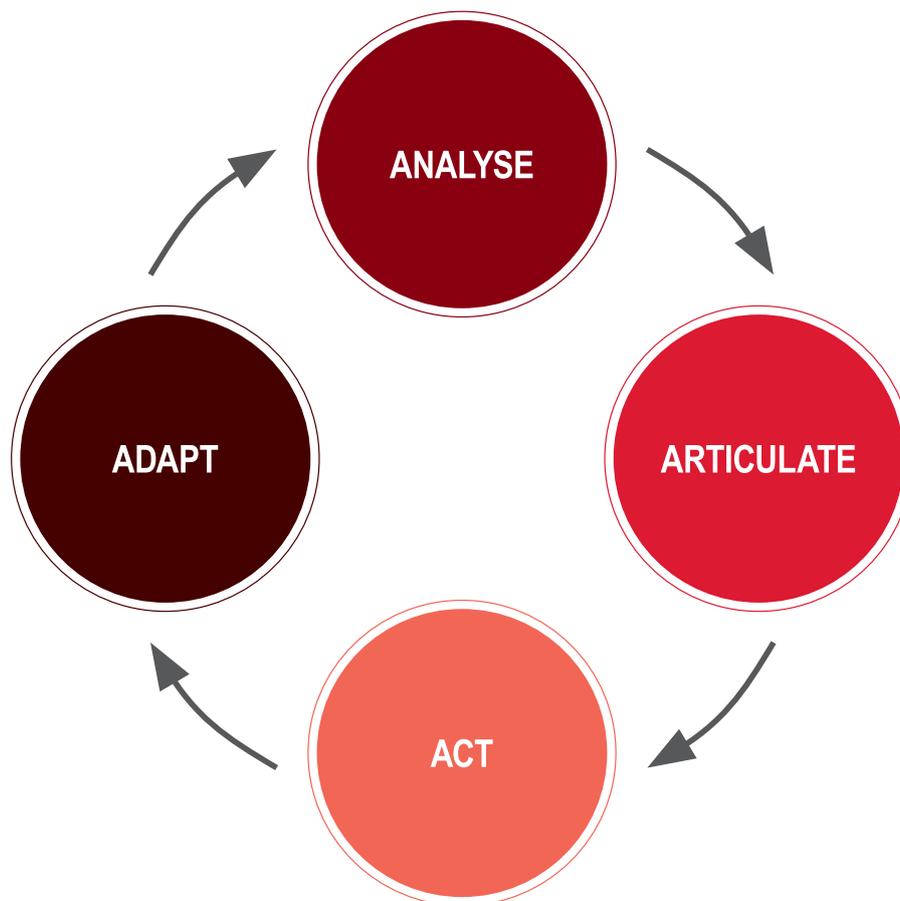
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INTRODUCTION

OBJECTIVES

ROLE UK has produced a guide to the planning, delivery and monitoring of legal technical assistance, for use by legal and judicial experts delivering pro bono work in developing countries. Entitled **'Maximising technical assistance to**

improve the rule of law',¹ the guide is structured around the four stages involved in the planning, delivering, and monitoring of pro bono legal assistance:



To complement the guide, this **Monitoring and Evaluation Toolbox** seeks to help pro bono stakeholders integrate Monitoring and Evaluation tools into their work. This document provides them with practical tools that can be used when designing, monitoring and evaluating projects. It is intended to be of specific use to those developing applications for ROLE UK partnership or assignment support, although the tools and approaches here should be applicable to activity design or donor funding applications more generally.

TARGET AUDIENCE

The M&E Toolbox is targeted at **legal and judicial specialists undertaking – or seeking to undertake – pro bono work in developing countries.**

In particular, the Toolbox will be of most relevance for professionals in the legal sector (e.g. lawyers, judges, academics) who, through their own organisations or pro bono networks, are trying to **address a specific rule of law issue in a particular country, over time and are able to spend some time planning, delivering and monitoring work ‘in-country’**, rather than doing solely desk-based pro bono work.

More specifically, **pro bono stakeholders applying for ROLE UK partnership or assignment support** to facilitate their pro bono

work overseas will find the toolbox helpful when designing their legal assistance project and completing the application forms.

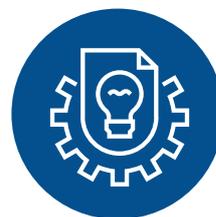
HOW TO USE THIS TOOLBOX?

To enable easy ‘read across’ between the guide² and the toolbox, this paper will refer to the **4A’s project cycle** (Analyse, Articulate, Act and Adapt) developed specifically for the guide.

The Toolbox contains four M&E tools:

- The iceberg model for problem solving
- The theory of change
- The COM-B model
- The three universal questions for monitoring and evaluation

These tools are indicated by the following symbol:



Each tool is applied to a **fictional case study** which we will refer to across the document. Applications from the case study are displayed in a blue frame.

² <https://www.roleuk.org.uk/resources/maximising-technical-assistance-improve-rule-law-guide>

PHASE ONE: ANALYSE

BETTER UNDERSTAND THE CONTEXT

The design of legal technical assistance should always start with discussions between partners, potential partners and other relevant stakeholders in order to better understand the context in which your project will take place. This can be done via individual meetings and phone calls but, if

possible, organising a **participatory workshop** allows for a more detailed and shared analysis.

Problem-driven approach: Identify causes of problems, not symptoms. It is important to identify the problem you want to address and which factors contribute to it. Keep in mind the power dynamics: whose interests is the status quo serving?



THE ICEBERG MODEL FOR PROBLEM SOLVING

When we see a rule of law problem or receive a specific request for assistance, we may only be aware of the aspect visible 'above the surface', like the tip of an iceberg.

But we always need to be aware that there will be many other factors surrounding or underpinning this issue. We need to know as much as possible about this bigger picture, in order to work out how best to address the issue effectively and contribute to meaningful change.



STEP 1:

During a brainstorming exercise, you and your partners should try to list the key elements of context that surround or underpin the identified problem you want to tackle.

Here are some questions that might guide this brainstorming exercise:

Immediate context	What is the immediate problem that has been identified?
	What capacities need to be reinforced?
	What type of expertise is needed?
	What has been the evolution in the last years?
	Other questions as appropriate
Legal context	What is the current legal framework?
	What problems/gaps have been identified in the legal framework?
	What level of understanding is there of these problems/gaps?
	Other questions as appropriate
Political context	What level of support for change is there in the civil society?
	What level of support for change is there in the Government / the Parliament / the Judiciary?
	Which groups can be considered as allies / adversaries?
	What threats / opportunities in the foreseeable future can you identify?
	Other questions as appropriate
Socio-cultural context	Which social and cultural norms (such as gender stereotypes) could contribute to the problem or be an obstacle to change?
	What are the religious / philosophical factors to take into consideration?
	What are public attitudes towards minorities or groups commonly exposed to discrimination?
	Other questions as appropriate

The **key** is to stimulate stakeholders to look beyond the request for technical assistance – to look ‘below the surface’ – and **take into account legal, political and social factors relevant to understand the context** and thus be able to address deep rooted and structural issues, or at least be aware of them. Always be aware of formal rules (laws, policies, regulations) and

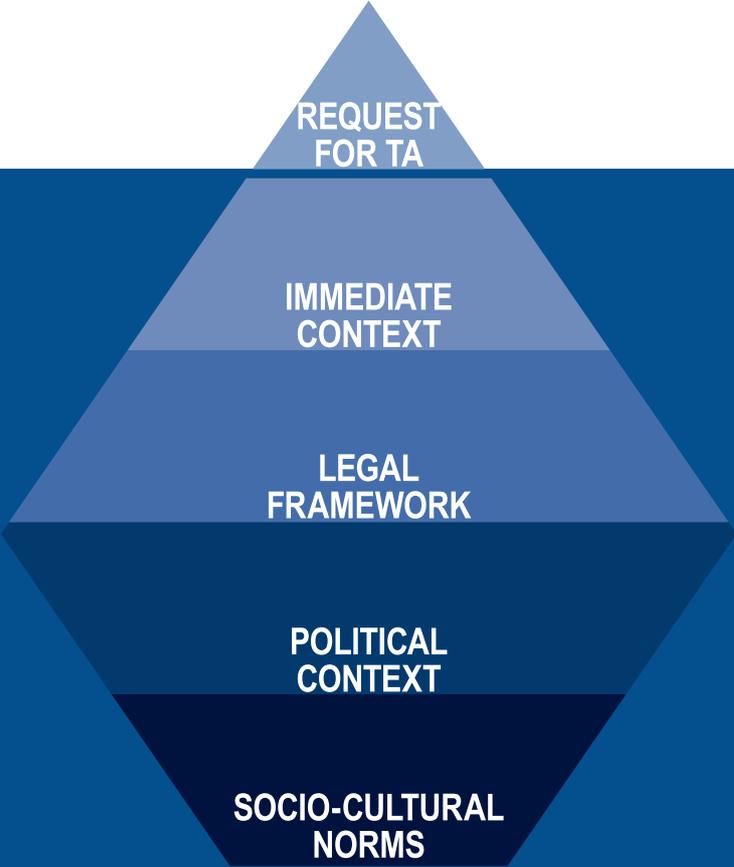
informal rules (social norms), which often trump formal ones.

The answers to some questions might be unknown and require you to gather additional information, through research work, contact and conversations with your local partner, and with other local stakeholders.

STEP 2:

You and your partners can now summarise the key elements of contextual information.

To summarise the identified factors, you can use a stylised version of the iceberg:



CASE STUDY

BACKGROUND INFORMATION

The **UK Judgecraft Academy (UKJA)** is a group of sitting and retired Judges from the UK who deliver training on judicial skills to judges in developing countries. Their purpose is to uphold and improve the rule of law and to work toward more just societies.

UKJA have delivered trainings to judges in various parts of the world, on a range of judicial skills. These trainings are delivered by sitting and retired experts, and occasionally other legal specialists, providing their time and skills on a pro bono basis. Increasingly, and with funding from ROLE UK, UKJA are seeking to develop a more strategic approach to their work, through forming longer-term partnerships with relevant bodies in selected countries. They believe that this partnership approach will enable them to forge stronger relationships, deliver a wider and deeper model of support, and monitor the outcomes of their work more easily.

The **Kakora Judicial Institute (KJI)** is a newly formed, independent, judge-led institution that provides training to judges in Kakora, a country in Southern Africa.

UKJA and the Kakora Judicial Institute formed a **partnership** in 2018. The objective of the partnership is to strengthen the capacity of the Kakora Judicial Institute by providing an ongoing programme of training and capacity-building to judges in the country, including those who have been newly appointed. Through such trainings, the intention is that the KJI will become able to deliver these trainings independently over time, without the direct support of the UKJA.

So far, members of UKJA have travelled to Kakora to undertake a **collaborative needs assessment** with the Kakora Judicial Institute, to identify the capacity needs of the Institute itself and the priority capacity and training needs of the judiciary in Kakora. The results are below:

Immediate context	Judgments are poorly prepared and written; judges are not providing clear and concise reasoning for their decisions
	There is no formal training for judges in Kakora on judgment writing
Legal context	Kakora has a common law system, dating from the British colonial era
	The Kakora Judicial Institute has recently published guidelines for judgment drafting, in line with international standards, but they are little known within the judiciary
	The poor quality of judgment undermines the development of precedent through case law
Political context	The Kakora Government has identified capacity building in the legal and judicial sector as a priority in its national strategy for strengthening the rule of law
	The newly appointed Minister for Justice is a fervent supporter of the Kakora Judicial Institute
	There is a consensus among the political class on the need for legal and judicial reform
	Civil society organisations advocating for fairer access to justice share the view that the judiciary is poorly trained
Socio-cultural context	Public confidence in legal and judicial institutions is weak
	Although the number of female law graduates has increased considerably in recent years, the judiciary remains predominantly male, especially in the higher courts
	Barriers to access to justice remain high, especially for the poor, women, minorities and marginalised groups

READ MATERIALS TO GATHER RELEVANT INFORMATION

Deepen your knowledge of the context by reading **legal and policy documents**. Build on, and link to, what others are doing already. Relevant documents include, but are not limited to, national laws, policies and strategies; reports from international organisations, NGOs and other aid donors; reports from local civil society organisations; and articles and research from international development

departments of universities, think tanks and research institutes. It is also useful to consult **less “formal” sources**, such as press releases, local news reports or social media accounts of relevant organisations. Norms around what constitute professional and trusted sources differ globally and in some contexts, official information may be more readily available through social media than through official websites.

In all cases, you should always be aware of potential bias or misinformation and combine several sources and research methods to triangulate the information.

CASE STUDY	
National laws, policies and strategies	Kakora’s national strategy for strengthening the Rule of Law 2018-2023
	Kakora Judicial Institute’s guidelines on judgment drafting
	Kakora’s Ministry for Justice: Capacity-building strategy
Reports from international organisations, international NGOs, bilateral aid donors	DFID: Kakora country profile
	USAID Programme for Judicial and Legal Reform Programme: final evaluation report 2018
	World Justice Project: Rule of Law Index 2019 - Kakora
Reports from civil society organisations	Kakora’s Centre for Human Rights, Barriers to access to justice, Report, 2016
Academics	Training of Judges and Legal Practitioners: a cross-evaluation in different jurisdictions
News	The Sunday Times, The implications of judges recusing themselves, 2017
	The Rapport, Is die regbank korrup? 2018
	The Guardian, A case of corruption in Kakora Supreme Court sheds a harsh light on the judicial system, 2017

ENSURE THAT YOUR EXPERTISE IS RELEVANT IN THIS OTHER CONTEXT

At this stage, it is very important to consider whether you are likely to have something useful to bring in this context. Is UK expertise the most relevant in this context? There could be political sensitivities and resistance, sometimes stemming from the colonial history of the UK. If the country you plan to work in has a legal system based on civil law, rather than common law, it is worth double-checking if your expertise is still relevant. Sometimes, your expertise could be more

relevant if complemented by a local partner's expertise. You can find more guidance and key questions in the guide '**Maximising technical assistance to improve the rule of law**'.³

Once you are reasonably sure that your expertise is relevant and that there is a problem whose root cause you are well-placed to identify, it may be worthwhile to organise a "scoping visit" to spend more time with partners in country, meet other relevant organisations, and collectively conduct the steps below to analyse and articulate the project together.



PHASE TWO: ARTICULATE



THE THEORY OF CHANGE

Having developed a thorough understanding of the context in the ‘analyse’ phase, you are now ready to start articulating your project. It can be tempting to start this process by designing activities, especially if you or your partners

already have ideas for what these will look like. However, the design of your project will be much stronger if you **begin by looking at the change you want to see** – taking your analysis as a starting point – **and working down to the activities needed to achieve this objective.**

This should help you and your partners to think creatively and identify the activities that are the most appropriate, rather than those which are most familiar.

STEP 1: CHANGE

Based on your context analysis, agree with your partner on the **longer-term change** you want your work to contribute to. At this level, you should consider how your work will contribute to **improvements in the way the rule of law or access to justice is experienced by citizens in the country.** Of course, it is not expected that your work alone will deliver this change, but it is important to identify how you would contribute to it.

CASE STUDY

WHAT IS THE LONGER-TERM CHANGE YOU WANT TO SEE?

Improved public confidence in the judicial system, leading to a strengthening of the rule of law in Kakora.

Now identify a key factor of this problem and a desired **short-term improvement**, on which your legal assistance work can have a direct influence. In this field, this is likely to be a **contribution to changed laws, policies, systems or practices in a country's rule of law space**.

It is important at this point to consider what you

and your partner can realistically contribute in the wider context you analysed in the section above. For example, if you are working with a rule of law NGO with good networks among local lawyers but limited connections to government, it may be possible to change the practices among the legal sector but much more difficult to affect any change in law or policy at the national level.

CASE STUDY

WHAT IS THE SHORT-TERM IMPROVEMENT YOU WANT TO ACHIEVE?

Better prepared and drafted judgments, resulting in an increase in understanding of and respect for judgments.

STEP 2: ACTIVITIES

It is now time to reflect on the most appropriate strategy for working towards this desired change.

What? Pro bono technical assistance delivered by legal and judicial experts can take various forms. In terms of capacity-building, the most obvious option might be to **deliver training**. But, depending on the context analysis, other activities might be more relevant or be a useful complement for training. For instance, a **'train-the-trainer' workshop** or the creation of an **e-learning platform** can potentially improve sustainability. Establishing **ongoing peer-to-peer exchanges** between legal and judicial experts and their counterparts in developing countries can be especially beneficial. External experts delivering pro bono technical assistance can also be a catalyst for change either by **bringing key people together** or by **kickstarting a process** where various blockages exist.

Who? Pro Bono providers should possess a **high level of technical knowledge, skills and experience** relevant to the project. But it is essential to prioritise **soft skills** as well, such as being humble and open to learning from people working in a different context. It is equally important to carefully identify the **beneficiaries** of the technical assistance and select stakeholders who have leverage for change while realistically defining the activities' reach and scale.

CASE STUDY

WHAT ACTIVITIES ARE THE MOST SUITED AND RELEVANT TO ACHIEVE THIS GOAL?

A training course on judgment writing, delivered in partnership by the UK Judgecraft Academy and the Kakora Judicial Institute.

WHO WILL DELIVER THESE ACTIVITIES AND FOR WHOM?

A group of sitting and retired judges from the UK will develop the course in partnership with the Kakora Judicial Institute. The training will be delivered to 10 Judges in Kakora.

STEP 3: RATIONALE

How do you think these activities will lead to the change you expect? What are you assuming will happen? It is important to be **explicit** about the assumptions that projects are based upon. Plans rely on a set of assumptions about how the world works and what we expect to happen. This might sometimes feel like stating the obvious, but assumptions need to be identified, discussed and examined, to analyse the extent to which they are based on evidence, relevant to context and likely to prove valid.

Having identified your assumptions, you can assess whether they are realistic and whether you need to amend your theory of change or not.

CASE STUDY

HOW WILL THESE ACTIVITIES CONTRIBUTE TO THE EXPECTED IMPROVEMENT?

Following the training, the capacity of the selected judges to prepare and write effective and transparent judgements will increase.

Because it will be involved in the conception and delivery of the training, the Kakora Judicial Institute will be able to deliver this training to other judges in the future and to identify additional measures that they need to take to promote and support good judgement writing.

HOW REALISTIC ARE THESE ASSUMPTIONS?

For this case study, we assume that these assumptions are realistic and that the activities planned are likely to bring about the changes we want to contribute to. However, you might want to interrogate this: for instance, is it enough to involve the Kakora Judicial Institute in the conception and delivery of the training? Or should we plan for a “train-the-trainer” workshop to enable KJI professionals to replicate the workshop in the future? The answers to these questions will depend on the analysis of the context.

STEP 2: ARTICULATE YOUR THEORY OF CHANGE

Having identified these three elements, you can now articulate your theory of change in the following form:

- **If we do X** (activities)
- **Then we will see Y** (change)
- **This is because** (rationale/theory as to why and how X will lead to Y)

CASE STUDY

THEORY OF CHANGE

If we provide high quality training to 10 judges in Kakora on judgement writing, as part of our wider partnership with the Kakora Judicial Institute, then we will see judges writing clear, concise and well-reasoned judgements, leading

to an increase in public confidence in the judiciary. This is because the capacity of the selected judges to prepare and write effective and transparent judgements will increase; and the Kakora Judicial Institute will be able to deliver this training to other judges in the future and to identify additional measures that they need to take to promote and support good judgement writing.



THE COM-B MODEL

In the area of development, and especially so in the field of rule of law's strengthening, the expected outcomes of technical assistance are changes in the practices, behaviours, relationships and / or attitudes of people or institutions.

The COM-B model is a useful tool to better understand how we can trigger **behaviour change**. The model presupposes that behaviour change is influenced by three factors:

- **Capabilities:** the necessary knowledge and skills to engage in the activity concerned,
- **Opportunities:** all the factors that lie outside the individual that make behaviour possible or prompt it
- **Motivation:** actors' incentives and disincentives to engage in the behaviour.

The COM-B model is **complementary to the theory of change** because it allows us to break down the change we are seeking into three distinct factors (capabilities – opportunities – motivation) and, in turn, to design our activities more precisely and efficiently.

STEP 1:

Formulate the desired outcome into a behavioural change and identify the capacities, opportunities and motivation needed to bring about this change.

- Behaviour: What type of behaviour change are we seeking to bring about?
 - Capabilities: What knowledge, skills and abilities are needed?
 - Opportunities: Which outside factors are required to make the behaviour change possible?
 - Motivation: What internal thought processes are required to bring about the behaviour change?
-

STEP 2:

Think about how the activity you are considering will influence the capabilities, opportunities and motivation required and, if appropriate, modify the activity in question.

This is so that it is more likely to address these factors and drive behaviour change. In doing so, you may come across elements that are outside your capacity as a pro bono actor to change. It is important at this stage to think critically about whether your project can still achieve its higher aims without this element.



CASE STUDY

Behaviour change	What type of behaviour change are we seeking to bring about? We want participants to write judgments which: <ul style="list-style-type: none">■ Clearly explain the reasoning behind the judgment■ Identify and set out legal principles applied■ Include only the relevant facts■ Are short and written in plain language■ Are well edited	
Capabilities	What knowledge, skills and abilities are needed? <ul style="list-style-type: none">■ Knowledge of what constitutes a well written judgment■ Ability to identify and apply relevant legal principles■ Strong reasoning skills■ Strong writing skills■ Strong editing skills	What can we do to increase capabilities? At the training: <ul style="list-style-type: none">■ Provide examples of well written and poorly written judgments■ Mock trial conducted by actors, followed by group work to highlight key facts and prepare and deliver a judgment■ Feedback on previous judgments written by participants After the training: <ul style="list-style-type: none">■ Experts stay in touch with the participants (monthly skype calls), to provide ongoing advice on a 1-2-1 basis

<p>Opportunities</p>	<p>Which outside factors are required to make the behaviour change possible?</p> <ul style="list-style-type: none"> ■ Ongoing support to Judges in applying new approaches to judgment writing ■ An overall working environment which enables and promotes good judgment writing 	<p>What can we do to increase opportunities?</p> <p>At the training:</p> <ul style="list-style-type: none"> ■ Deliver the training in close partnership with the Kakora Judicial Institute <p>After the training:</p> <ul style="list-style-type: none"> ■ Discuss with the KJI the potential for creating a system for incentivising good judgment writing as appropriate to context
<p>Motivation</p>	<p>What internal thought processes are required to bring about the behaviour change?</p> <ul style="list-style-type: none"> ■ An understanding of why it is important to improve their own judgment writing ■ A desire to write better judgments and to put in the necessary effort to achieve this 	<p>What can we do to increase motivation?</p> <p>At the training:</p> <ul style="list-style-type: none"> ■ Include presentation and discussion on the importance of good judgment writing (e.g. Parties need to understand the judgment and the reasons for it; transparency is essential to the public's confidence in the judicial system; well-written decisions are integral to common law and the development of precedent through case law) ■ Include presentation and discussion on the benefits to individual judges of being able to write judgments well (e.g. saving time by learning and practising how to write more concise judgments; reducing the stress associated with preparing judgments, building a reputation as an outstanding judge)

PHASE THREE AND FOUR: ACT AND ADAPT

This Toolbox considers the phases 3 'Act' and 4 'Adapt' together to emphasise that monitoring and evaluation is a **continuous process** that should happen when delivering your activities **and** once the project, or a part of the project, has been completed.

During these phases, you should regularly reflect **back to the previous tools**. Keep referring to – and updating – the contextual analysis (**iceberg model for problem solving**) and seek to understand the contextual dynamics within which you are working. Your **theory of change** and your **COM-B** model should also be conceived as living instruments that can and should be adjusted throughout the implementation of your work. They should be regularly discussed with your local partners and be revised or adjusted as needed.



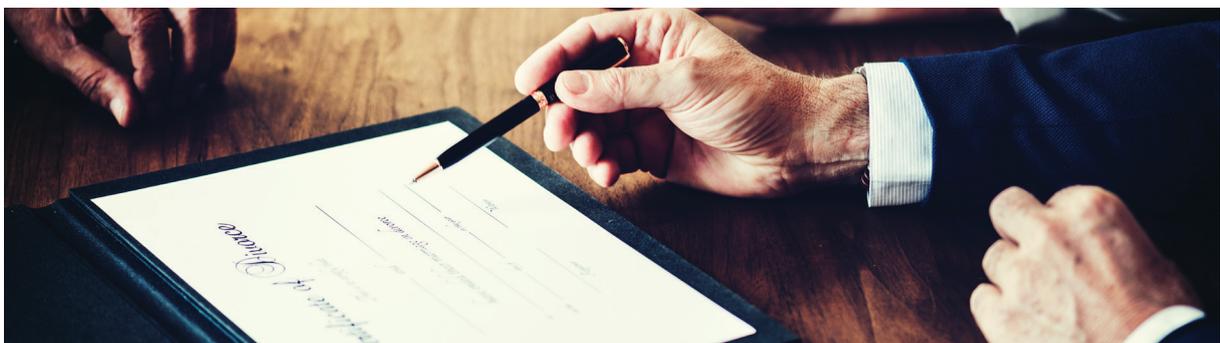
THREE UNIVERSAL MONITORING AND EVALUATION QUESTIONS

A straightforward way to monitor and evaluate your work is to answer the following three questions:

- **Are we doing what we said we would do?**
- **Are we making any difference?**
- **Are these the right things to do?**

These questions will guide you to determine:

- What you need to monitor and evaluate
- How you can collect information and evidence to monitor and evaluate effectively



WHAT TO MONITOR / EVALUATE	HOW TO COLLECT RELEVANT INFORMATION (EXAMPLES)
1. Are we doing what we said we would do?	
<ul style="list-style-type: none"> ■ The resources we put into the project (money, time, expertise) ■ The delivery and quality of activities ■ The products resulting from the activities (handbook) 	<ul style="list-style-type: none"> ■ Reporting by the pro bono providers (financial and on activities) ■ Feedback from participants (evaluation survey) ■ Feedback from local partner(s) (interviews, surveys, etc.)
2. Are we making any difference?	
<ul style="list-style-type: none"> ■ Capabilities: increase or acquisition of new skills and knowledge ■ Opportunities: increased opportunities to apply new capabilities ■ Motivation: level of engagement and enthusiasm ■ Behaviour change: change in the behaviour, practices, attitudes of the people / institutions that you are seeking to support 	<ul style="list-style-type: none"> ■ Follow-up reporting by partners, 6 months after the activity, in which they document any change they are aware of ■ Follow-up surveys with participants, 6 months after the activity to test skills and knowledge and ask about opportunities and motivation to apply these skills and knowledge ■ Interviews with key stakeholders ■ Direct observation by pro bono providers during follow-up activities
3. Are these the right things to do?	
<ul style="list-style-type: none"> ■ Relevance of your expertise and activities to bring the expected change ■ Relevance of your work to the context 	<ul style="list-style-type: none"> ■ Participatory workshop to update the context analysis, the theory of change and/ or the COM-B model ■ Independent review and evaluation by an external consultant

These questions can be used **at any time** during the project cycle. For instance, you could use them after the first day of a training to assess the appropriateness of the methodology or could use them to review a multiannual programme and evaluate its impact. When planning projects, build in time from the outset for collecting and analysing M&E information at several moments of the projects.

Pro bono providers usually have **limited resources** in terms of budget or time for monitoring and evaluation purposes. So, it is important to focus on what you really need to know in order to work out whether your project is relevant and effective and to choose the most appropriate tools to collect information. Pro bono providers sometimes tend to focus on the first

question, which is relatively easy to answer, but it is important to go a step further and consider whether activities actually contributed to the change you seek.

Quantitative information, such as the number of participants to a training, is useful but you should seek to capture **qualitative information** as well, such as ‘stories of change’ or case studies on the ways in which, for instance, individuals’ lives have been changed by projects that your technical assistance has contributed to.

Use the information that you collected, analyse it and discuss it with your partners. Use that information to adapt your current approach and to design future projects. Share the best practices and lessons learned with relevant stakeholders.



WHAT TO MONITOR / EVALUATE	HOW TO COLLECT RELEVANT INFORMATION
1. Are we doing what we said we would do?	
<ul style="list-style-type: none"> ■ How many judges have been trained? ■ Was training of high quality? ■ Was the Kakora Judicial Institute involved in the preparation and the delivery of the training? ■ Was the agreed budget and/or timeline respected? 	<ul style="list-style-type: none"> ■ Reporting by the UK Judgecraft Academy experts, with inputs from their counterparts in the Kakora Judicial Institute ■ Evaluation surveys completed by the participants at the end of the training
2. Are we making any difference?	
<ul style="list-style-type: none"> ■ Capabilities: Has the training increased the skills and knowledge of the participants? ■ Opportunities: Have judges been adequately enabled and supported to be able to apply their new capabilities? ■ Motivation: Has their understanding of why good judgment writing is important improved? ■ Behaviour change: Have judges improved their judgment writing? 	<ul style="list-style-type: none"> ■ A test administered to participants before and after the training ■ Follow-up calls (semi-structured interviews) with the participants 3 months after the training ■ Review of all the judgments written by participants in the 6 months following the training
3. Are these the right things to do?	
<ul style="list-style-type: none"> ■ Do better written judgments improve transparency and access to justice? ■ Has the public confidence in the judicial system increased? 	<ul style="list-style-type: none"> ■ Independent review and evaluation ■ National survey undertaken by the Kakora Judicial Institute 2 years after the project

CONCLUSION

This document has been conceived as a practical and straightforward guide that can be used easily when designing, monitoring and evaluating legal support interventions. We hope this toolbox helps you integrate Monitoring and Evaluation tools into your pro bono work.

This is a living instrument and ROLE UK intends to add more useful tools in the future. If you have comments or specific needs in terms of design, monitoring and evaluation guidance, **please contact us at roleuk@a4id.org.**







